HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.15425 OF 2007

Between:

M. Soloman Raju

…Petitioner

AND

The Managing Director,
A.P. State Warehousing Corporation,
Ware Housing Sadan, 2nd Floor,
Behind Gandhi Bhavan, Nampally,
Hyderabad – 500 001 and three others

...Respondents

: O R D E R :

Counsel for the petitioner : Shri B. Sree Rama

Krishna

July 20, 2007

Per G.S.SINGHVI, CJ

In this petition filed in the name of public interest litigation, the petitioner has prayed for issue of a mandamus to Gudivada Municipality to implement road development plan in terms of the master plan and remove the encroachment allegedly made by Andhra Pradesh State Warehousing Corporation (for short, 'the Corporation').

We have heard Shri B. Sree Rama Krishna and perused the affidavit of the petitioner. In our opinion, the writ petition is liable to be dismissed on the short ground that before seeking intervention of the Court in the name of public interest, the petitioner has not done any overt act which may evidence his real interest in removal of the encroachment allegedly made by the Corporation. Letter dated 12-12-2006 written by Municipal Commissioner, Gudivada to the Managing Director of the Corporation, on which reliance has been placed by the petitioner, was not at his instance. The same was written by the Commissioner at the instance of Shri M. Srinivasa Chakravarthy, Ward Member of the Gudivada Municipality. On his part, the petitioner is not shown to have made any representation either to Commissioner, Gudivada Municipality or higher departmental authorities for ensuring that the encroachment, if any, made by the Corporation is removed. Therefore, we do not see any justification to entertain his prayer.

With the above observation, the writ petition is dismissed leaving the petitioner free to approach Director, Municipal Administration and Principal Secretary, Municipal Administration for removal of the encroachment allegedly made by the Corporation on the public road.

As a sequel to dismissal of the writ petition, WPMP No. 19495 of 2007 filed by the petitioner for interim relief is also dismissed.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

July 20, 2007

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